



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARTIN J. BENZING, et al.,

Plaintiffs,

- against -

TULLY CONSTRUCTION CO., INC., et al.,

Defendants.
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21-CV-5315 (PGG) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves Plaintiff's letter motions to compel Defendants Tully and Posillico at Dkt. 86 and to compel Third-Party Defendant SSI at Dkt. 87.

The motion with respect to Defendants Tully and Posillico is denied without prejudice in light of Plaintiff's recent production described in Dkt. 88. Plaintiff may bring to the Court's attention any documents that Plaintiff still has not produced. Additionally, Defendants are misguided in invoking the state rules of civil procedure rather than the Federal Rules of Civil Procedure. Defendants are correct that they are under no obligation to use medical authorizations provided by Plaintiff; but Defendants must produce to Plaintiff any documents received in response to requests made to Plaintiff's medical providers.

The motion with respect to SSI, as further narrowed by Dkt. 91, is granted in part. SSI must produce the documents requested in RFP 2 and 3. The objections to RFP 9 and 10 are sustained.

The Clerk of Court is respectfully directed to terminate the letter motions at Dkts. 86 and 87.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: October 24, 2023
New York, New York

Copies transmitted this date to all counsel of record.